

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ABDERRAHMANE DAHY,)	
)	
Plaintiff,)	Case No. 2:17-cv-1633
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
FEDEX GROUND PACKAGE SYSTEM, INC., <i>et al.</i> ,)	
)	ECF Nos. 60, 73
Defendants.)	
)	

MEMORANDUM ORDER

The Complaint in the above captioned case was received by the Clerk of Court on December 18, 2017, upon removal from the Court of Common Pleas of Allegheny County, Pennsylvania, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 73), filed on December 20, 2018, recommended that the Motion to Dismiss Count II of the Amended Complaint, filed by Defendant FedEx Ground Package System, Inc. (ECF No. 60), be granted and Count II, as asserted against FedEx, be dismissed with prejudice.

Service was made on all counsel of record. In the Report and Recommendation, the parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, they had fourteen (14) days to file any objections. On January 3, 2019, Plaintiff's counsel filed Objections

to the Report and Recommendation (ECF No. 74). Counsel for FedEx filed a Response to the Objections (ECF No. 75) on January 17, 2019.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the Objections thereto and the Response to the Objections, the following Order is entered:

AND NOW, this 22nd day of January, 2019,

IT IS HEREBY ORDERED that the Motion to Dismiss Count II of the Complaint, filed by Defendant FedEx Ground Package System, Inc. (ECF No. 60) is **GRANTED** and Count II is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 73) of Magistrate Judge Lenihan dated December 20, 2018, is adopted as the opinion of the Court.



David Stewart Cercone
Senior United States District Judge

cc: Craig C. Marchiando, Esquire
James M. Pietz, Esquire
Leonard A. Bennett, Esquire
Ruairi McDonnell, Esquire
Drew D. Sarrett, Esquire
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(Via CM/ECF Electronic Mail)